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9 Attorneys for Defendant EBAY INC.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

15 WINDSOR AUCTIONS, INC., a Florida
16 corporation, and JEWELRY AUCTIONS
17 CORPORATION, a New Jersey corporation,
18 and UNIVERSAL COLLECTIBLES, LLC, a
19 Delaware Limited Liability Company,

20 Plaintiffs,

21 v.

22 EBAY INC., a Delaware corporation,

23 Defendant.

Case No. C 07 06454 RMW

**DECLARATION OF ADAM SAND IN
SUPPORT OF DEFENDANT EBAY INC.'S
MOTION TO DISMISS PLAINTIFFS'
AMENDED COMPLAINT**

Date: October 3, 2008

Time: 9:00 a.m.

Dept.: 6

Judge: Hon. Ronald M. Whyte

Amended Complaint Filed: July 24, 2008

1 I, Adam Sand, declare as follows:

2 1. I state facts in this declaration from my own knowledge, and could and would
3 testify competently to the same if called as a witness.

4 2. In December 2007, Plaintiffs Windsor Auctions, Inc. and Jewelry Auctions Corp.
5 provided me with a copy of a Live Auctioneers, LLC Services Agreement (the "Live Auctioneers
6 Agreement").

7 3. A true and correct copy of the Live Auctioneers Agreement provided to me by
8 Plaintiffs Windsor Auctions, Inc. and Jewelry Auctions Corp. will be lodged with the Court under
9 seal pending the Court's granting of the Administrative Motion to File Under Seal filed herewith.

10 4. Plaintiffs reference the Live Auctioneers Agreement at paragraph 11 of their
11 Amended Complaint.

12 5. The Live Auctioneers Agreement includes a confidential provision at paragraph 6
13 which designates the agreement as confidential and states that the subject matter "shall not be
14 disclosed or publicized"

15 I declare under the penalty of perjury that the foregoing is true and correct and that this
16 declaration was executed on August 11, 2008, at Los Angeles, California.

17
18 
19 _____
Adam Sand